



Gp1632#9  
PATENT  
12/12/99

Attorney Docket No.: A-65635-1/DJB/RMS/SJR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOLAN et al.

Serial No. 09/135,238

Filed: August 17, 1998

For: TOSO

) Examiner: R. SHUKLA

) Group Art Unit: 1632

WPI 6 - 1999  
TECH 10-SEP 1600/2900

**CERTIFICATE OF MAILING UNDER 37 C.F.R.  
§1.8 - FIRST CLASS MAIL**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on September 23, 1999.

Signed: \_\_\_\_\_

*Judy Wilson*  
Judy Wilson

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the Office Action mailed August 23, 1999, making this a timely response.

The Commissioner is authorized to charge any fees, including any extension of time fees, or other relief, as may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65635-1/DJB/RMS/SJR).

Please consider this response filed as authorized under the provisions of 37 C.F.R. §1.34(a).

Serial No.: 09/135,238  
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The Examiner imposed a restriction as between:

- Group I - Claims 1-17, 30, and 32, drawn to nucleic acids and gene therapy;
- Group II - Claims 18-21 and 33, drawn to proteins and protein therapy;
- Group III - Claim 22, drawn to a protein;
- Group IV - Claims 22-29 and 34, drawn to antibodies and antibody therapy; and
- Group V - Claim 31, drawn to a mammalian cell.

Applicants hereby elect Group I, Claims 1-17, 30, and 32.

As a consequence, please cancel Claims 18-29, 31, and 33-34 as being drawn to a non-elected invention.

This election is made without traverse.

Based upon the foregoing Claims 1-17, 30, and 32 are presented for examination.

The currently pending claims are listed in an appendix accompanying this response.

If after review of this response, the Examiner has further unresolved issues, the Examiner is respectfully requested to phone the undersigned, David J. Brezner, at (415) 781-1989.

Respectfully submitted,

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